

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.Rev.Pet.No. 908 of 2006()

CRA.276/2004 of SPL. COURT (NDPS ACT CASES), THODUPUZHA
CC.187/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IDUKKI
.....

REVN. PETITIONER: APPELLANT/1ST ACCUSED:

SIMON, S/O. DEVASSIA, AGED 38 YEARS,
THEKKEL HOUSE, VAZHAVARA KARA,
KATTAPANA VILLAGE.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 26-06-2007 THE COURT ON 02/07/2007, PASSED THE
FOLLOWING:

V.RAMKUMAR, J.

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Crl.R.P. No. 908 of 2006
.....

Dated: 02-07-2007

O R D E R

In this Revision filed under Section 397 read with Sec. 401 Cr.P.C. the petitioner is the first accused in Crime No. 228 of 2001 of Idukki Police Station challenges the conviction entered and the sentence passed by the courts below for an offence punishable under Section 420 read with Sec. 34 I.P.C.

2. I heard the learned counsel for the Revision Petitioner and the learned Public Prosecutor.

3. Even though the learned counsel appearing for the Revisions Petitioner assailed the judgments, the finding recorded by the courts below are on the basis of appreciation of the oral and documentary evidence. Both the courts have believed the prosecution witnesses and sitting in the rarefied revisional jurisdiction, this court will be loathe in interfering with the concurrent findings. I do not find any error, illegality or impropriety in the finding recorded by the courts below.

4. What now survives for consideration is the question as to whether a proper sentence has been imposed on the Revision Petitioner. Having regard to the facts and circumstances of the case, I am of the view that against the sentence imposed on the

revision petitioner the following sentence will meet the ends of justice. Accordingly, for his conviction under Sec. 420 read with Sec. 34 I.P.C. the revision petitioner is directed to pay a sum of **Rs. 2,25,000/- (Rupees two lakhs twenty five thousand only)** to P.W.1 as compensation under Sec. 357 (3) Cr.P.C. within **three months** from today, in which case he need undergo only imprisonment till the rising of the Court. If the compensation as aforesaid is not paid, then the sentence imposed on the revision petitioner by the trial court shall revive.

This Revision is disposed of confirming the conviction but modifying the sentence as above.

V. RAMKUMAR, JUDGE.

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